

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SARAH MAE SHARP,)
)
Plaintiff,)
)
v.) No. 4:06-CV-19 ERW
)
JOHN E. POTTER,)
Postmaster General, United States Postal)
Service,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Sarah Mae Sharp for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny her leave to proceed in forma pauperis.

Financial Affidavit

In her financial affidavit, applicant states that (1) she is employed and earns a monthly income of \$1,935; (2) in the past 12 months, she has not received income from another source; (3) she has no cash on hand or money in a checking or savings account; (4) she owns no property; (5) she has no dependents; and (6) her debts and monthly bills, including rent, credit cards, utilities, groceries, etc., are approximately \$1,655 a month.

Discussion

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or security therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give security therefor." This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). From the information set forth in Reed's financial affidavit, the Court concludes that she has sufficient funds available to him from which to pay the \$250 filing fee.

Therefore,

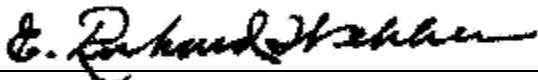
IT IS HEREBY ORDERED that applicant's motion for leave to proceed in forma pauperis [Doc. #1] is **DENIED**.

IT IS FURTHER ORDERED that the applicant shall have thirty (30) days from the date of this order to pay the \$250 filing fee.¹

¹The Court notes that, if applicant pays the filing fee, she will be responsible for serving the summons and the complaint upon the defendant. See Fed. R. Civ. P. 4(c). In the alternative, applicant may obtain a waiver of service of summons from the defendant. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Applicant is advised that she may seek guidance on serving the defendant from the Office of the Clerk.

IT IS FURTHER ORDERED that if applicant fails to pay the filing fee within thirty (30) days, the Court will dismiss this matter, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

Dated this 24th day of January, 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE